

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
November 18, 2003, 9:00 A.M.

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
 - Invocation
 - Pledge of Allegiance
 - Approve the minutes of the previous meeting
 - Approve the minutes of the November 7, 2003, Special Meeting,
-

AWARDS AND PRESENTATIONS

- Proclamations
Webber Seavey Award.
-

PUBLIC AGENDA

1. Marydel Grayum-America Recycles Day.
-

UNFINISHED BUSINESS

2. Appeal of Historic Preservation Board action regarding conversion of first floor commercial space to parking garage at 221-223 E. Douglas (District 1) HPC2003-00141, and consideration of issues related to conversion of first floor commercial space to parking garages in the Downtown E. Douglas area.

RECOMMENDED ACTION: (1) Affirm the decision of the Historic Preservation Board and deny the application as presented; or (2) Find that there is "no feasible and prudent alternative" and reverse the decision of the Historic Preservation Board with the condition that the storefront design must be approved by the Historic Preservation Board. Should alternative (2) be selected the following additional actions should be taken: (a) all access management and traffic safety issues must be resolved with final designs approved by Public Works Traffic Engineering; (b) all costs associated with construction of any new driveways, including the relocation and/or reconstruction of public landscaping improvements, light poles, sidewalks and curbs, and underground utilities shall be borne by the property owners 221/223 E. Douglas; and request staff to develop a proposed policy relating to removal of existing on-street public parking for installation of private driveways in this downtown area.

3. HUD Consolidated Plan-Establishment of Priority Needs.

RECOMMENDED ACTION: Close the Public Hearing and approve priority needs.

NEW BUSINESS

4. Convention and Visitors Bureau Quarterly Status Report, John Rolfe, Director.

RECOMMENDED ACTION: Receive and file.

5. Public Hearing and Issuance for Industrial Revenue Bonds-Rand Graphics, Inc. (District IV)

On March 27, 2001, City Council approved a Letter of Intent to issue Industrial Revenue Bonds in the amount not to exceed \$10,000,000, for a four-year term, and approved a 100% five-plus-five year property tax abatement to Rand Graphics, Inc. Since 2002, City Council approved the issuance of \$6,655,000 for the purchase of machinery and equipment to be located in Rand's two printing plants at 2820 South Hoover and 500 South Florence. The company is now requesting issuance of IRBs to finance the 2003 expenditures, in the amount of \$2,000,000.

RECOMMENDED ACTION: Place on first reading the Bond Ordinance, approving the Bond Documents and issuance of Industrial Revenue Bonds.

6. Extension of IRB Tax Exemption, BG Product, Inc.

On July 7, 1998, City Council approved issuance of Industrial Revenue Bonds in the amount of \$4 million to BG Products, Inc. In conjunction with the bond issue, City Council approved a 100% tax abatement for a 5-year term on the project, plus a second 5 years subject to Council review. Bond proceeds were used to construct a building expansion located at 701 S. Wichita. On December 31, 2003, the initial five-year period for tax exemption will expire. BG Products, Inc. requests City Council extend the tax exemption to include the second five years on bond-financed real property.

RECOMMENDED ACTION: Approve the extension.

7. Extension of IRB Tax Exemption, JR Custom Metal Products, Inc.

On December 8, 1998, City Council approved issuance of Industrial Revenue Bonds in the amount of \$3.5 million to JR Custom Metal Products, Inc. In conjunction with the bond issue, City Council approved a 92.5% property tax abatement for a 5-year term on the project, plus a second 5 years subject to Council review. Bond proceeds were used to construct a new facility and acquisition of new manufacturing machinery and equipment located at 2237 S. West Street in southwest Wichita. On December 31, 2003, the initial five-year period for tax exemption will expire. JR Custom Metal Products, Inc. requests City Council extend the tax exemption to include the second five years on bond-financed real property.

RECOMMENDED ACTION: Approve the extension.

8. Petition to Pave Eberly Court, West of 119th Street West, South of 21st Street, West of 119th Street West.
(District V)

The signatures on the Petition represent 12 of 21 (57.14%) resident owners and 58.49% of the improvement district area. District V Advisory Board held a November 3, 2003, neighborhood hearing on the project. The Board voted unanimously to recommend approval.

RECOMMENDED ACTION: Approve the Petition and adopt
the Resolution.

(9:30 a.m. or as soon thereafter)

9. Repair or Removal of Dangerous & Unsafe Structures.

On October 7, 2003, a report was submitted with respect to the dangerous and unsafe conditions of this property. The Council adopted a resolution providing for a public hearing to be held on this condemnation action at 9:30 a.m. or as soon thereafter, on November 18, 2003.

	<u>Property Address</u>	<u>Council District</u>
a.	1200 North Estelle	I

RECOMMENDED ACTION: Adopt the resolution.

10. Neighborhood Revitalization Areas and Local Investment Areas.

In 1998, the City Council approved the Five Year HUD Consolidated Plan and the State Neighborhood Revitalization Plan. The Neighborhood Revitalization Plan addresses legal requirements for both implementation of the State Neighborhood Revitalization Act and the HUD Neighborhood Revitalization Strategy Areas. The Plan also focuses federal Community Development Block Grant (CDBG) and HOME funding in Local Investment Areas to provide an incentive for private investment.

RECOMMENDED ACTION: Approve the revisions to the
Neighborhood Revitalization
Areas and Local Investment
Areas.

11. HUD Consolidated Plan Process.

In 1995, the Department of Housing and Urban Development (HUD) issued new regulations regarding the planning and application process for three grant programs. HUD required local governments to submit Consolidated Plans and combined applications for the Community Development Block Grant (CDBG); Emergency Shelter Grant (ESG); and Home Investment Partnership Grant (HOME) programs. As part of the requirements, local units of government were required to develop Five-Year Strategic Plans (2004-2008) with priority needs established.

RECOMMENDED ACTION: Approve HUD Consolidated Plan process
for 2004-2005.

12. Small Business Loan Program.

In addition to the current Wichita Biz Loan Program, two new small business loan programs have been developed by staff. With a City contribution of \$300,000, these loan amounts will leverage \$750,000 for small business, including women/minority businesses.

RECOMMENDED ACTION: Approve loan programs.

13. Expansion of Service Area for Valley Center.

In 1997, a Wholesale Water Service Agreement was approved by and between the Cities of Wichita and Valley Center. Under standard policy, expansion of service areas may be approved as a part of the wholesale water agreement.

RECOMMENDED ACTION: Approve the request from Valley Center
to expand their service area under the
wholesale water agreement to include
an area 93rd Street North, between
I-35 and Hillside.

14. Water Taste & Odor Treatment.

In September 2003, the City Council considered making capital improvements in the City's Water Utility to reduce taste/odor in the water supply at Cheney Reservoir. Various options were explored, including comparative costs for each alternative. The recommended option was the use of ozone treatment. The installation of this equipment will result in a significant capital equipment investment and annual operating costs for the Utility.

RECOMMENDED ACTION: 1) approve amending the CIP; 2) approve procurement of ozone equipment; 3) approve selection of a design-build team; 4) adopt the Resolution.

15. Water and Sewer Rate Adjustments for 2004.

The adopted 2004-2005 Budget provides for utility rate adjustments of 3% to defray the costs of capital improvements associated with equipment replacement and expansions of treatment and distribution/collection systems.

RECOMMENDED ACTION: Approve Water and Sewer rate adjustments.

16. Change Orders: Revisions of Policy.

The Council has directed a change the City's policy pertaining to Change Orders. The proposed policy will establish new limitations on the issuance of change orders.

RECOMMENDED ACTION: Approve the Change Order revisions.

17. Transfer of Property in Planeview for Park Purposes. (District III)

On April 1, 2003, the City Council approved the sale of three (3) acres of City –owned land located north of 31st Street North between the Kansas Turnpike and the Fire Department's training center. Subsequent to the sale, it was discovered that this parcel has been included with other land as collateral for Land and Water Conservation grants in the 1970's. A condition of this grant is that if any of the collateralized land is sold, replacement land of equal value must be acquired.

RECOMMENDED ACTION: Approve the Resolution and authorize the necessary signatures.

18. Massage Ordinance Revision.

In early 2002, the Central Kansas Massage Therapy Association has requested revision of the code, shifting its scope from prohibition of unlawful activity (now addressed as crimes) to appropriate regulation of a legitimate health care practice. There are no "massage parlor" licenses or "attendant" permits, as required by the code, currently issued.

RECOMMENDED ACTION: Approve revision of Chapter 3.56 of the City Code.

19. Extended Special Assessment Financing.

The City Council appointed task force has recommended a criteria for extending financing for prospective new developments that incur extraordinary development costs on a case-by-case basis and for existing neighborhood improvements.

RECOMMENDED ACTION: The task force recommends that the City Council approve a one-year pilot program to determine impacts of an extended 20-year special assessment financing.

CITY COUNCIL AGENDA

20. Flooding along Dry and Gypsum Creeks. (Districts I, II and III)
(Requested by Councilman Lambke)

RECOMMENDED ACTION: That the City Council take appropriate action.

21. Board Appointments.

- a) Electrical Board of Appeals appointments.
- b) Appointment of two (2) Councilmembers for Collaboration Statement with Schools/County.

RECOMMENDED ACTION: Make the appointments.

22. Discussion of Airport Land Acquisition.

CONSENT AGENDA

23. Report of the Board of Bids and Contracts Dated November 17, 2003.

RECOMMENDED ACTION: Receive and file report; approve Contracts; authorize necessary signatures.

24. Application for License for Adult Entertainment Establishments/Services:

Renew Adult Entertainment

Norman Massey Jr.

Circle Cinema

2570 South Seneca

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

25. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal – Adult Entertainment</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Guaodlupe Cordova	Chico’s Restaurant*	3949 West Douglas
John J. Murphy	Pizza Hut #301008*	1708 East Pawnee
John J. Murphy	Pizza Hut #301020*	8977 West Central
John J. Murphy	Pizza Hut #301046*	333 East 47th Street South
John J. Murphy	Pizza Hut #301065*	2181 North Rock Road
John J. Murphy	Pizza Hut #301073*	1035 North Broadway
<u>New Establishment</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Saquib Irfan	DAO Variety Store	1601 East Central

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

26. Preliminary Estimates:

- a) Central Street Bridge at Tara (87N-0203-01/472-83801/715696/243112) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$720,000.00
- b) Planeview EPA Sanitary Sewer Reconstruction Phase 1 - east of Hillside, north of 31st Street South. (468-83675/620378/663499) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$437,000.00
- c) Old Town parking lot improvements/132 North Mosley. (472-83846/792393/435363) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$174,229.62
- d) Water line relocation at the intersection of Lincoln and McLean. (448-89556/636103/771501) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$75,000.00
- e) 2003 sanitary sewer reconstruction Phase 9 - various locations/north of Pawnee, east of Meridian. (468-83710/620388/663509) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,III,IV,VI) - \$445,000.00
- f) 29th Street from Rock Road to Webb Road, Phase 2 Landscaping (472-83519/706841/202307) Does not affect existing traffic. (District II) - \$113,625.00
- g) Lateral 83, Main 22 War Industry Sewer to serve Brighton Courts Addition - south of 21st Street North, west of Webb. (468-83672/744014/480702) Does not affect existing traffic. (District II) - \$96,000.00
- h) Hawthorne Street from the south line of Siefkes, south to the north line of Hawthorne Street; on Hawthorne Street from the east line of Turnberry, east and south to the north line of Lot 14, Block A, north to the south line of Lot 20, Block A; on Whitewood from the east line of Turnberry to the west line of Hawthorne Street to serve Shoal Creek Second Addition - south of Central, west of 143rd Street East. (472-83820/765821/490932) Does not affect existing traffic. (District II) - \$183,000.00
- i) Water supply line along Pawnee to serve Flat Creek Addition - north of Pawnee, east of 119th Street West. (448-89581/735150/470820) Does not affect existing traffic. (District V) - \$33,000.00

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- j) Water distribution s System to serve Flat Creek Addition - north of Pawnee, east of 119th Street West. (448-89584/735149/470819) Does not affect existing traffic. (District V) - \$104,000.00
- k) Glenwood, from the south line of Lot 1, Block 3, Reed's Cove Second Addition to the south line of Lot 6, Block 2, Reed's Cove Addition; Bridlewood from the west line of Lot 1, Block 3, Reed's Cove Addition to the west line of Glenwood; Sidewalk on one side of Glenwood from the south line of Lot 1, Block 3, Reed's Cove Second Addition to the south line of Lot 6, Block 2, Reed's Cove Addition, and on one side of Bridlewood from the west line of Lot 1, Block 3 Reed's Cove Addition to the west line of Glenwood to serve Reed's Cove & Reed's Cove Second Additions - south of 21st Street North, east of 127th Street East. (472-83770/765823/490934) Does not affect existing traffic. (District II) - \$142,000.00
- l) Wilson Estates Court serving Lots 1 through 16, Block 1, from the south line of Wilson Estates Parkway to and including the cul-de-sac to serve Wilson Farms 4th Addition - south of 21st Street North, west of Webb. (472-83842/765817/490928) Does not affect existing traffic. (District II) - \$319,000.00
- m) Main 13, Four Mile Creek Sewer Phase 2 to serve Hawthorne Second Addition -north of 21st Street North, east of 127th Street East.(468-83506/744011/480699) Does not affect existing traffic. (District II) - \$144,000.00
- n) Lateral 2, Main 13 Four Mile Creek Sewer Phase B to serve Hawthorne Second Addition - north of 21st Street North, east of f127th Street East. (468-83508/744012/480700) Does not affect existing traffic. (District II) - \$113,000.00
- o) Lateral 3, Main 13 Four Mile Creek Sewer Phase A to serve Hawthorne Second Addition - north of 21st Street North, east of 127th Street East. (468-83509/744013/480701) Does not affect existing traffic. (District II) - \$152,000.00
- p) Water distribution system to serve Brighton Courts Addition- south of 21st Street North, west of Webb. (448-89856/735151/470821) Does not affect existing traffic. (District II) - \$47,000.00
- q) Milstead from the east line of Lot 17, Block D, south to the south line of the plat and on Lotus from the east line of Milstead, east to the east line of the plat. Milstead Court (Lots 26 thru 34, Block D) from the west line of Milstead, west to and including the cul-de-sac, on Milstead Court (Lots 35 thru 43, Block D) from the west line of Milstead west to and including the cul-de-sac; and on Milstead Court (Lots 44 thru 53, Block D) from the west line of Milstead, west to and including the cul-de-sac. Sidewalk along one side of Milstead from the east line of Lot 17, Block D, south to the south line of the plat and on one side of Lotus from the east line of the plat to serve Flat Creek Addition - north of Pawnee, east of 119th Street West. (472-83385/765824/490935) Does not affect existing traffic. (District V) - \$448,000.00
- r) 12 inch water main in MacArthur from Hoover to Ridge (448-89802/633764/633763/753843/753841) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$220,000.00

RECOMMENDED ACTION: Approve and file.

27. Statements of Cost:

- a) Seneca, 31st Street South to Pawnee Total Cost – \$1,237,043.49 (plus idle fund interest - \$2,368.14; plus temporary note financing - \$10,189.37; less interfund transfers - \$1,210,000.00; less reimbursements - \$26,685.00). Financing to be issued at this time - \$12,916.00. (706778/472-83084/200-236).

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- b) Parking Lots/Entry Drive 2002. Total Cost - \$440,162 (plus temporary note financing - \$0.00; plus idle fund interest - \$3,102; less gain from sale of investments - \$505; less financing previously issued - \$440,150). Financing to be issued at this time - \$2,609. (785028/392-160)
- c) Athletic Courts Renovations 2002. Total Cost - \$157,558 (plus temporary note financing - \$0.00; plus idle fund interest - \$1,258; less gain from sale of investments - \$216; less financing previously issued - \$152,000). Financing to be issued at this time - \$6,600. (785029/392-161)

Partial Statements of Cost:

- d) (First Partial) Estimate of Cost for improving Lincoln and McLean Intersection - \$12,000; less financing previously issued - \$0. Financing to be issued at this time - \$12,000. (706863/472-83799/203-329).
- e) (First Partial) Estimate of Cost for improving Main Street, Douglas to Murdock - \$16,000; less financing previously issued - \$0. Financing to be issued at this time - \$16,000. (706864/472-83811/203-330).
- f) (Eighth Partial) Estimate of Cost for improving Seneca, Douglas to McLean- \$2,725,000; less financing previously issued - \$2,690,000. Financing to be issued at this time - \$35,000. (706747/472-82966/208-228).
- g) (First Partial) Estimate of Cost for improving Harry Street, I-135 to George Washington Boulevard - \$23,000; less financing previously issued - \$0. Financing to be issued at this time - \$23,000. (706851/472-83686/203-317).
- h) (Fourth Partial) Estimate of Cost for improving West Douglas Streetscape (2000 Arterial Design) - \$142,000; less financing previously issued - \$112,000. Financing to be issued at this time - \$30,000. (706825/472-83148/201-291).
- i) (Second Partial) Estimate of Cost for improving 2003 Street Rehabilitation Program - \$285,000; less financing previously issued - \$200,000. Financing to be issued at this time - \$85,000. (706850/472-83672/203-316).
- j) (Second Partial) Estimate of Cost for improving 2001 Traffic Signals Phase I - \$295,883; Less KDOT Reimbursements - \$170,883; less financing previously issued - \$25,000. Financing to be issued at this time - \$100,000. (710215/472-83367/231-077).
- k) (First Partial) Estimate of Cost for improving 13th Bridge at Cowskin Creek (Design) - \$40,000; less financing previously issued - \$0. Financing to be issued at this time - \$40,000. (715989/472-83511/242-102)
- l) (First Partial) Estimate of Cost for improving 21st Street Bridge at Chisholm Creek (Design) - \$25,000; less financing previously issued - \$0. Financing to be issued at this time - \$25,000. (715688/472-83513/242-104).
- m) (Third Partial) Estimate of Cost for improving Grove Park Design - \$155,000; less financing previously issued - \$140,000. Financing to be issued at this time - \$15,000. (785008/390-140)
- n) (Fourth Partial) Estimate of Cost for improving Central Riverside Park - \$4,900,000; less financing previously issued - \$2,250,000. Financing to be issued at this time - \$2,650,000. (785016/390-148)
- o) (Third Partial) Estimate of Cost for improving Park Facilities 2002 - \$396,600; less financing previously issued - \$303,000. Financing to be issued at this time - \$93,600. (785023/392-155)

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- p) (Second Partial) Estimate of Cost for improving Park Lighting 2002 - \$48,500; less financing previously issued - \$10, 000. Financing to be issued at this time - \$38,500. (785026/392-158)
- q) (Second Partial) Estimate of Cost for improving Garvey Park - \$26,800; less financing previously issued - \$15, 000. Financing to be issued at this time - \$11,800. (785031/392-163)
- r) (First Partial) Estimate of Cost for improving Park Playgrounds 2002- \$490,500; less financing previously issued - \$0. Financing to be issued at this time - \$490,500. (785032/392-164)
- s) (First Partial) Estimate of Cost for improving Park Playgrounds 2003- \$294,000; less financing previously issued - \$0. Financing to be issued at this time - \$294,000. (785033/393-165)
- t) (First Partial) Estimate of Cost for improving Park Parking Lots/Entry Drives 2003- \$422,800; less financing previously issued - \$0. Financing to be issued at this time - \$422,800. (785034/393-166)
- u) (First Partial) Estimate of Cost for improving Park Lighting 2003- \$31,500; less financing previously issued - \$0. Financing to be issued at this time - \$31,500. (785035/393-167).
- v) (First Partial) Estimate of Cost for improving Park Facilities 2003- \$275,000; less financing previously issued - \$0. Financing to be issued at this time - \$275,000. (785037/393-169)
- w) (First Partial) Estimate of Cost for improving Swimming Pools 2003- \$95,000; less financing previously issued - \$0. Financing to be issued at this time - \$95,000. (785038/393-170)
- x) (First Partial) Estimate of Cost for improving Adult Soccer Fields- \$260,000; less financing previously issued - \$0. Financing to be issued at this time - \$260,000. (785039/393-171)

Amended partial statements of cost

- y) (Sixth Amended Partial) Estimate of Cost for improving Hydraulic, 57th Street South to MacArthur - \$4,455,670; less financing previously issued - \$4,315,670. Financing to be issued at this time - \$140,000. (706810/472-83324/201-275).
- z) (Fourth Amended Partial) Estimate of Cost for improving 2002 Wheelchair Ramps and Sidewalks, Phase I - \$577,000; less financing previously issued - \$507,000. Financing to be issued at this time - \$70,000. (706828/472-83437/202-294).
- aa) (Third Amended Partial) Estimate of Cost for improving Hillside, Kellogg to Central - \$215,000; less financing previously issued - \$196,000. Financing to be issued at this time - \$19,000. (706834/472-83453/202-300).
- bb) (Second Amended Partial) Estimate of Cost for Hillside, 17th to 20th Street - \$1,375,000; less financing previously issued - \$575,000. Financing to be issued at this time - \$800,000. (706842/472-83537/202-308).
- cc) (Second Amended Partial) Estimate of Cost for 2003 Wheelchair Ramps and Sidewalks - \$420,000; less financing previously issued - \$360,000. Financing to be issued at this time - \$60,000. (706847/472-83660/203-313).
- dd) (First Amended Partial) Estimate of Cost for improving Harry Street, Oliver to Woodlawn - \$18,000; less financing previously issued - \$0. Financing to be issued at this time - \$18,000. (706852/472-83685/203-318).

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- ee) (First Amended Partial) Estimate of Cost for improving Meridian, 31st Street South to Pawnee (2003 Arterial Street Design) - \$22,000; less financing previously issued - \$0. Financing to be issued at this time - \$22,000. (706854/472-83756/203-320).
- ff) (First Amended Partial) Estimate of Cost for improving Central, Oliver to Woodlawn (Design) - \$85,000; less financing previously issued - \$0; Financing to be issued at this time - \$85,000. (706862/472-83754/203-328).
- gg) (Second Amended Partial) Estimate of Cost for improving Hillside, Kellogg to Central (Design)- \$155,000; less financing previously issued - \$75,000. Financing to be issued at this time - \$80,000. (706820/472-83361/201-286).
- hh) (Second Amended Partial) Estimate of Cost for Central, Maize to Tyler - \$911,058; less KDOT reimbursements - \$641,058, less financing previously issued - \$20,000. Financing to be issued at this time - \$250,000. (706848/472-83659/203-314).

RECOMMENDED ACTION: Approve and file.

28. Petition for Public Improvements:

- a) Construct a storm water sewer to serve The Fairmont Addition-north of 21st Street, west of 127th Street East. (District II)

RECOMMENDED ACTION: Approve the Petition and adopt the Resolution.

29. Minutes of Advisory Boards/Commissions:

District III Advisory Board, March 5, 2003
Deferred Compensation Board, March 13, 2003
District III Advisory Board, March 19, 2003
District III Advisory Board, April 2, 2003
District III Advisory Board, May 7, 2003
Deferred Compensation Board of Trustees, May 7, 2003
District III Advisory Board, June 4, 2003
Alternative Correctional Housing Advisory Board, June 26, 2003
District III Advisory Board, July 2, 2003
Police and Fire Retirement System, July 23, 2003
District VI Advisory Board, August 4, 2003
District III Advisory Board, August 6, 2003
Housing Advisory Board, August 19, 2003
District VI Advisory Board, August 20, 2003
Police & Fire Retirement System Board, August 27, 2003
Wichita Employees' Retirement System Board, August 27, 2003
Deferred Compensation Board of Trustees, August 28, 2003
Wichita Public Library Monthly Report, September 2003
Wichita Airport Advisory Board, September 2, 2003
District III Advisory Board, September 3, 2003
Police and Fire Retirement System, September 4, 2003
Board of Code Standards and Appeals, September 8, 2003
Board of Park Commissioners, September 8, 2003

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District V Advisory Board, September 8, 2003
District VI Advisory Board, September 8, 2003
Board of Electrical Appeals, September 9, 2003
Wichita Public Library Board of Directors, September 16, 2003
Wichita Employees' Retirement System, September 17, 2003
Design Council, September 18, 2003
District III Advisory Board, October 1, 2003
Design Council, October 16, 2003

RECOMMENDED ACTION: Receive and file.

30. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

31. Quarterly Financial Report-Third Quarter of Fiscal 2003.

RECOMMENDED ACTION: Receive and file report.

32. Report on Claims Allowed – October, 2003:

<u>Name of Claimant</u>	<u>Amount</u>
Bauer, Norman	\$504.00
Bryant, Donna	\$803.00
Daniels, Margaret	\$344.20
Hixon, Paul & Betty	\$45.00
Houston, Cleo	\$86.27
Kansas Gas Service	\$1,105.81
Lerman, Kenneth B.	\$258.30
Moore Engineering Services	\$4,270.00
Morrow, Debra J.	\$64.00
Reisman, Stephen J.	\$247.16
Sandbar Trading	\$565.42
Schlenker, Tim	\$1,153.78
Williamson, Gina	\$203.83

RECOMMENDED ACTION: Receive and file.

33. Agreements/Contracts:

- a) Contract extension for Parking Management. (District VI)
- b) Extension of Franchise Agreements with Kansas Gas and Electric Company and Sedgwick County Electric Cooperative Association, Inc.
- c) Professional services, legal-North Industrial Corridor, NIC Project-Supplemental Agreement.

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- d) Construction engineering and staking for Reed's Cove and Reed Commercial Additions-south of 21st, east of 127th Street East - Supplemental . (District II).
- e) Construction engineering and staking for Tyler's Landing Addition-south of 37th Street North, east of Tyler Supplemental Agreement.. (District V)
- f) Construction engineering and staking for Fox Ridge Addition-north of 29th Street North, between Maize to Tyler Supplemental Agreement. (District V)
- g) Extension Agreement for Sales Tax Audit of City.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

34. Change Order:

- a. Hydraulic Improvement, 47th Street South to MacArthur. (District III)

RECOMMENDED ACTION: Approve the Change Order.

35. Repair or Removal of Dangerous and Unsafe Structures.

	<u>Address</u>	<u>District</u>
a.	4460 East. Boston	III
b.	1137 North Indiana	I
c.	1334 North Hydraulic	I

RECOMMENDED ACTION: Adopt Resolutions setting the Public Hearing on January 6, 2004 at 9:30 a.m. or soon thereafter.

36. Purchase Option, Chance Industries, Inc. (District IV)

RECOMMENDED ACTION: Adopt the Resolution and authorize conveyance subject to conditions and the necessary signatures.

37. Senior Management Expenses for October.

RECOMMENDED ACTION: Receive and file.

38. Finalization o Land Ownership: Old Town Cinema Project. (District VI)

RECOMMENDED ACTION: Approve the transfer and authorize necessary signatures.

39. Payment of Condemnation Award-Case No. 03-CV 3373-Hillside Kellogg to Central Project. (District I)

RECOMMENDED ACTION: Authorize payment of the appraiser's award,
together with appraiser's fees and court costs.

40. Replacement of Golf Maintenance Computer System.

RECOMMENDED ACTION: Approve the budget transfer.

41. Consent to Sub-Sublease, Ritchie Companies. (District V)

RECOMMENDED ACTION: Adopt the Resolution consenting to the
sublease of property securing Industrial
Revenue Bonds.

42. Consent to Transfer and Sale, NMF America, Inc. (District II)

RECOMMENDED ACTION: Approve the transfer and sale.

43. Cheney Reservoir Watershed Cost-Share Agreement.

RECOMMENDED ACTION: Approve the Memorandum of Understanding
with the Reno County Conservation District
for projects under the Water Resources Cost-
Share Program and the Non-Point Source
Pollution Control Fund.

44. EPA Watershed Initiative Grant Application.

RECOMMENDED ACTION: Approve the MOU and the application
for the Watershed Initiative Grant.

45. Aerial Photography and Orthophoto Update.

RECOMMENDED ACTION: Approve the expenditure.

46. Gear Reducer Rebuild Requisition.

RECOMMENDED ACTION: Receive and file the recommendation
to purchase the gear reducer from
Flender Corporation.

47. Cowskin Creek Pump Station-Change #1-Dondlinger and Sons Construction Co., Inc.

RECOMMENDED ACTION: Approve the Change Order.

48. Second Reading Ordinances: (First read November 4, 2003)

a) Public Hearing and Issuance of Industrial Revenue Bonds-The Boeing Company. (District III)

An Ordinance approving and authorizing the execution of a Lease Agreement between the Boeing Company and the City of Wichita, Kansas; approving and authorizing the execution of an Indenture of Trust between said City and BNY Trust Company of Missouri; pledging certain payments under said Lease Agreement and moneys and securities held by the trustee under the terms of said indenture of trust; authorizing and directing the issuance of Industrial Revenue Bonds Series V, 2003 (The Boeing Company Project) of said City in the principal amount of \$60,000,000 for the purpose of providing funds for the acquisition, construction, reconstruction and improvement of certain Industrial and Manufacturing Facilities of Boeing Commercial Airplanes, Wichita Division, a Division of the Boeing company, a Delaware Corporation, in Sedgwick County, Kansas; designating the trustee and the paying agent for said Bonds; Authorizing the sale of said Bonds and the execution of a Bond Purchase agreement therefore; Approving and authorizing the execution of an administrative service fee agreement; and authorizing the execution and delivery of certain related instruments.

b) Public Hearing and Issuance of Industrial Refunding Revenue Bonds-Mid-Continent Instruments. (District II)

An Ordinance authorizing the City of Wichita, Kansas to issue its Industrial Revenue Refunding Bonds (Didcot, L.C. Project), Series VII, 2003 in the aggregate principal amount of \$3,295,000 for the purpose of providing funds to refund on a current basis certain Industrial Revenue Bonds, Series IX-A, 1997 and Series IX-B, 1997 of the City and to pay certain costs of issuance; prescribing the form and authorizing execution of a Trust Indenture between the City and UMB Bank, N.A., Wichita, Kansas, as Trustee; prescribing the form and authorizing execution of a lease by and between the City and Didcot, L.C.; approving the form of a Sublease Agreement by and between Didcot, L.C. and Mid-Continent Instrument Co., Inc.; approving the form of a Guaranty Agreement among Didcot, L.C. and Mid-Continent Instrument Co., J. Todd Winter and Ellen D. Winter, as Guarantors, and UMB Bank, Wichita, Kansas, as Trustee; prescribing the form and authorizing the execution of a Underwriting Agreement among the City, Didcot, L.C., Mid-Continent Instrument Co., Inc., and Banc of America Securities LLC, as purchaser of the Series VII, 2003 Bonds; prescribing the form and authorizing the execution of a Tax Compliance Agreement among the City, Didcot, L.C., Mid-Continent Instrument Co., Inc., and UMB Bank, presented.

c) Public Hearing and Issuance of Industrial Revenue Bonds-FlightSafety International. (District V)

An Ordinance authorizing the City of Wichita, Kansas (the "City") to issue its Adjustable Mode Airport Facility Revenue Bonds in the aggregate principal amount of not to exceed \$27,200,000 for the purpose of providing funds to pay the costs of acquiring, purchasing and installing flight training equipment in the City of Wichita, Kansas; prescribing the form and authorizing execution of a Trust Indenture by and between the City and Wachovia Bank, National Association, as Trustee with respect to the Bonds; prescribing the form and authorizing the execution of a lease by and between the City and FlightSafety International Inc. (the "tenant"); approving the form of a guaranty; approving the form of a remarketing Agreement; authorizing the execution of a purchase agreement by and among the City, the tenant and Wachovia Bank, National Association, as the underwriter for the Bonds; and authorizing the execution of a Tax Compliance Agreement by and among the City, the Tenant and the Trustee.

d) Restaurant Grading System (City Code 7.20).

An Ordinance amending Sections an Ordinance amending Sections 7.20.010, 7.20.020, 7.20.030, 7.20.040, 7.20.050 of the Code of the City of Wichita, Kansas pertaining to restaurants.

(Item 48 continued)

- e) Central Avenue Improvement, Woodlawn to Rock. (District II)

An Ordinance declaring Central Avenue, between Woodlawn and Rock (472-83874) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

- f) Central Avenue Improvement, Oliver to Woodlawn. (Districts i and ii)

An Ordinance declaring Central Avenue, between Oliver and Woodlawn (472-83873) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof.

- g) Acquisition by eminent domain of tracts required for the First and Second Street Drainage Outfall Project. (Districts IV and VI)

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction of the First and Second Street Drainage Outfall Project in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, presented.

- h) Building Condemnations.

An Ordinance amending Sections an Ordinance amending Sections 7.20.010, 7.20.020, 7.20.030, 7.20.040, 7.20.050 of the Code of the City of Wichita, Kansas pertaining to restaurants.

- i) CUP2003-45-Associated with ZON2003-43 - generally located at the northeast corner of 29th Street North and Penstemon. (District II)

- j) ZON 2002-65 – west side of Hoover, north of 21st Street North. (District V) V

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2002-65

- k) ZON 2002-83 – west of Webb Road, south of First Street. (District II)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2002-83

- l) ZON 2002-27 – east side of Greenwich Road, south of Pawnee

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2002-27

RECOMMENDED ACTION: Adopt Ordinances.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

- Consent Items

49. DR 03-29: Resolution Declaring Support for the Development of a Joint Land Use Study for McConnell Air Force Base. (District II, III).

RECOMMENDED ACTION: Adopt the Resolution.

50. CON2003-38-Conditional Use for Car Sales on Property Zoned Limited Commercial. Generally Located at the Northeast Corner of Piatt and Central. (District I)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve the Conditional Use to permit a used car sales lot, subject to the recommended conditions: or

2. Return the application to the MAPC for reconsideration.

51. *ZON2003-00051-Zone Change from Single-Family Residential to General Office. Generally South of Central and East of Doris. (District IV)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve the zone change, subject to the condition of completing lot splits within one year; approve first reading of the ordinance and instruct the City Clerk to withhold publication of the ordinance until the lot splits are recorded with the Register of Deeds; or

2. Return the application to the MAPC for reconsideration.

52. *CUP2003-51-Associated with ZON2003-49-Amendment #1 to DP217-Wesley West C.U.P. and a Zone Change from Limited Commercial, Multi-family Residential and General Office to Single-Family Residential. Generally located North of 13th Street North and One-Quarter Mile East of Tyler. (District V)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve the zone change and CUP amendment, subject to the condition of replatting the portion of the property to be rezoned within one year and subject to the recommended conditions; instruct the Planning Department to forward the ordinance establishing the zone change for first reading when the plat is forward to the City Council: or

2. Return the application to the MAPC for reconsideration.

53. *CUP2003-50-Associated with ZON2003-48-Amendment #3 to DP78-Mooring C.U.P. and a Zone Change from Single-family Residential to Limited Commercial. Generally Located on the Northwest Corner of 42nd Street North and Meridian. (District VI)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve the zone change and C.U.P. amendment subject to platting within one year and the recommended conditions; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or

2. Return the application to the MAPC for reconsideration.

54. *VAC2003-00052 Request to Vacate a Portion of a Platted Setback Generally Located East of Rock Road, Midway Between Central Avenue and 13th Street North, More Specifically East of the Killarney Court-Rock Road Intersection, 8120 Killarney Court. (District II)

RECOMMENDED ACTION: Approve the vacation order and authorize the necessary signatures.

55. *SUB 2002-131-Plat of Northridge Addition, Located on the North Side of 37th Street North, West of Ridge Road. (District V)

RECOMMENDED ACTION: Approve the plat; authorize the necessary signatures and adopt the Resolutions.

56. *SUB 2003-20-Plat of Marie Meadows, Located on the South Side of 23rd Street South and East of 183rd Street West.

RECOMMENDED ACTION: Approve the plat; authorize the necessary signatures and adopt the Resolutions.

57. *SUB 2003-24-Plat of Liberty Park Second Addition, Located on the South Side of 13th Street North, on the East Side of 135th Street West. (District V)

RECOMMENDED ACTION: Approve the plat; authorize the necessary signatures and adopt the Resolutions.

58. *SUB 2003-71-Replat of Kinkaid Park Addition, Located on the South Side of Pawnee, on the East Side of Broadway. (District IV)

RECOMMENDED ACTION: Approve the document and Plant; and authorize the necessary signatures.

59. *DED 2003-22, DED 2003-23, DED 2003-24 and DED 2003-25-Dedication of Utility Easements for property located on the west side of Maize Road, south of 29th Street North. (District V)

RECOMMENDED ACTION: Accept the dedications.

60. *DR2003-30-Termination of Restrictive Covenant Accepted by Wichita City Council June 10, 1997 Associated with SCZ-0700 Zone Change from Suburban Residential and Limited Commercial and Light Industrial, Generally Located on the West Side of Greenwich Road Between 21st Street North and K-96. (District II)

RECOMMENDED ACTION: Approve termination of the Restrictive Covenant.

61. *A03-24-Request to Annex Land Located Near the Northeast Intersection of Pawnee and Webb Road. (District II)

RECOMMENDED ACTION: Place the annexation ordinance on first reading.

HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

*Consent items.

Inafay Grays-McClellan, Housing Member is also seated with the City Council.

62. *Section 8 Monthly Statistical Report.

RECOMMENDED ACTION: Receive and file report.

63. *Report of Public Housing Capital Improvements.

RECOMMENDED ACTION: Receive and file report.

64. *Report of Public Housing Occupancy.

RECOMMENDED ACTION: Receive and file report.

65. *Admissions and Continued Occupancy Policy (ACOP).

RECOMMENDED ACTION: Review and approve the implementation of the revised Admissions and Continued Occupancy Policy for the administration of the Public Housing Program.

66. *Procurement Policy.

RECOMMENDED ACTION: Review and adopt the Procurement Policy for the administration of Public Housing expenditures.

67. *Payment Standards-Section 8 Housing Choice Vouchers.

RECOMMENDED ACTION: Approve the revised Payment Standards for the Section 8 Voucher Program.

68. *2003 Utility Allowances; Section 8 Programs.

RECOMMENDED ACTION: Review and approve 2003 Utility Allowances for the Section 8 Programs.

69. *Section 8 Administrative Plan Revisions.

RECOMMENDED ACTION: Approve the Section 8 Administrative Plan amendments for the Section 8 Housing Choice Voucher Program.

70. *2004 HUD Budget and Operating Fund Formula, OFF.

RECOMMENDED ACTION: Adopt the resolution approving submission of the 2004 HUD Operating Budget and Operating Fund Calculation of Operating Subsidy, retroactively authorize the Housing Services Director's signature on the HUD Budget and Operating subsidy Forms, and authorize the Mayor's signature for the Resolution.

71. *2004 utility Allowances-Public Housing Program.

RECOMMENDED ACTION: Approve the 2004 utility allowances for the Public Housing Program.

Adjournment

**Luncheon with Park & Recreation Advisory Board
Following luncheon, workshop (continuation) on CIP.**